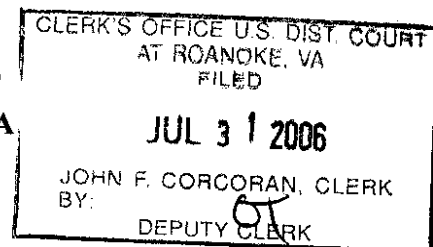


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



BRAD ELLIS,
Plaintiff,

v.

GENE JOHNSON, et al.,
Defendants.

)
) Civil Action No. 7:06CV00374
)
) ORDER
)
) By: Hon. Glen E. Conrad
) United States District Judge

In accordance with the accompanying Memorandum Opinion, it is now

ORDERED

as follows:

1. The plaintiff's motion to amend his complaint (docket #10) shall be and hereby is **GRANTED**;
2. The plaintiff's claims against the Warden of Mecklenburg, the Warden of Red Onion, and Mr. Fleanor shall be and hereby are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1);
3. The Warden of Mecklenburg, the Warden of Red Onion, and Mr. Fleanor shall be and hereby are **TERMINATED** from the case;
4. The Clerk is directed to attempt service of process in the usual manner upon the remaining defendants; and
5. The Clerk is further directed to forward a copy of the plaintiff's signed consent to withholding form to the Trust Accounts Officer at plaintiff's current place of confinement, and the collection of the \$350.00 fee shall commence. The Trust Accounts Officer at the plaintiff's current place of confinement, and at all subsequent places of confinement/incarceration is hereby authorized to collect the

fees as agreed to by the plaintiff on the signed consent form, and to remit such fees in accordance with the Prison Litigation Reform Act of 1995, as enacted by Congress on April 26, 1996. The trust officer at the plaintiff's present institution is requested to place the signed consent to withholding form in the plaintiff's file so that it might accompany the inmate in the event of his transfer. Should the inmate be transferred to another institution, the balance due for the civil action will be inserted in inmate's file so that the appropriate officer at the next institution will remit the monies owed to the Clerk, P. O. Box 1234, Roanoke, VA 24006.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants.

ENTER: This 31st day of July, 2006.



United States District Judge